



Entered on Docket  
June 17, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

Robert M. Charles, Jr. (NV 6593)  
John Hinderaker (AZ 018024)  
Marvin Ruth (NV 10979)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone (702) 949-8320  
Facsimile (702) 949-8321  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
[jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)  
[mruth@lrlaw.com](mailto:mruth@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Second Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based Entirely Upon Investment In  
The Marlton Square Loan**

Hearing Date: June 14, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Second Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in The Marlton Square Loan ("Marlton Square Loan") [DE 8342] (the "Objection"); the Court having heard the Objection on June 14, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to repayment by the

borrower or from the collateral securing the Marlton Square Loan; and good cause appearing:

**IT IS ORDERED** that:

1. The Objection [DE 8342] is sustained; and
2. The claims listed on **Exhibit A** attached are disallowed in their entirety since those claims are based entirely upon an investment in the Marlton Square Loan.

PREPARED AND RESPECTFULLY SUBMITTED BY:

**LEWIS AND ROCA LLP**

By /s/ John Hinderaker  
Robert M. Charles, Jr.  
John Hinderaker (*pro hac vice*)  
3993 Howard Hughes Parkway, Ste. 600  
Las Vegas, Nevada 89169-5996  
Telephone: (702) 949-8320  
Facsimile: (702) 949-8321

*Attorneys for USACM Liquidating Trust*

## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapprove d the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker.  
Attorneys for USACM Liquidating Trust

# # #

**USACM Trust  
Marlton Square  
Single Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount Relating to the Marlton Square Loan</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Marlton Square Loan</b>
10725-00193	9/8/2006	First Savings Bank	Trust Department 2605 E Flamingo Rd Las Vegas, NV 89119	101,493.06	101,493.06
10725-00739	10/26/2006	Fontana, Steffi	16400 Saybrook Ln Spc 111 Huntington Beach, CA 92649-2268	54,437.00	54,437.00
10725-00014-2	12/6/2006	Frieda Moon & Sharon C Van Ert JTWRS	2504 Callita Ct Las Vegas, NV 89102	51,076.38	51,076.38
10725-01965	1/10/2007	Harouff Jt Ten, Dwight W & Mary Ann	5680 Ruffian Rd Las Vegas, NV 89149	253,732.40	126,866.20
10725-00214	9/29/2006	Harvey, Roderick J Sr & Pauline W	Trustees Of Harvey Family Trust, Dtd 4/13/97 Donna M Osborn Esq Marquis & Aurbach 10001 Park Ru Las Vegas, NV 89145	50,000.00	50,000.00
10725-00082	7/17/2006	Hoglund, John & Patricia	7574 E Green Lake Dr N Seattle, WA 98103	51,597.18	51,597.18
10725-00278	9/27/2006	Isenberg, Edwin	952 Las Lomas Ave Pacific Palisades, CA 90272-2430	50,000.00	50,000.00

**EXHIBIT A**

2361253.1

**USACM Trust  
Marlton Square  
Single Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount Relating to the Marlton Square Loan</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Marlton Square Loan</b>
10725-00906	10/31/2006	Joyce E Smith Trust Dated 11/3/99	C/O Joyce E Smith Trustee 3080 Red Springs Dr Las Vegas, NV 89135-1548	134,114.58	134,114.58
10725-00815	10/30/2006	JWB Investments Inc Pension Plan	2333 Dolphin Ct Henderson, NV 89052-5320	108,506.96	108,506.96
10725-00591	10/16/2006	Kopf, Klaus & Colette	8096 Merlewood Ave Las Vegas, NV 89117-7647	53,767.00	53,767.00

**EXHIBIT A**

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